

SEP 15 1989

1

## ORDINANCE NO. 89-17

2 AN ORDINANCE ADOPTING THE 1989 PALM BEACH COUNTY  
3 COMPREHENSIVE PLAN, PROVIDING FOR THE AUTHORITY FOR  
4 THE ADOPTION OF THE COMPREHENSIVE PLAN; PROVIDING FOR  
5 THE PURPOSE AND INTENT; PROVIDING FOR THE ADOPTION  
6 OF THE 1989 PALM BEACH COUNTY COMPREHENSIVE PLAN AND  
7 THE 1980 EVALUATION AND APPRAISAL REPORT; PROVIDING  
8 FOR PREEMPTION OF THE COMPREHENSIVE PLAN OVER LESS  
9 RESTRICTIVE DEVELOPMENT REGULATIONS; PROVIDING FOR  
10 REPEAL OF ORDINANCE 80-8, AS AMENDED, AND FOR REPEAL  
11 OF OTHER LAWS IN CONFLICT; PROVIDING FOR  
12 SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAWS AND  
13 ORDINANCES; AND PROVIDING FOR EFFECTIVE DATE.

14 WHEREAS, Section 163.3161, et. seq., Florida Statutes (1988),  
15 is entitled the Local Government Comprehensive Planning and Land  
16 Development Regulation Act; and

17 WHEREAS, Section 163.3167, Florida Statutes, requires each  
18 county in the State of Florida to prepare and adopt a comprehensive plan;  
19 and

20 WHEREAS, Palm Beach County is required to adopt the 1989 Palm  
21 Beach County Comprehensive Plan, pursuant to the provisions of Section  
22 163.3184 (7), Florida Statutes; and

23 WHEREAS, the Board of County Commissioners of Palm Beach  
24 County, Florida, has provided for the broad dissemination of proposals  
25 and alternatives, opportunity for written comments, public hearings after  
26 due public notice; provisions for open discussions, and consideration of  
27 and response to public comments concerning the provisions contained in  
28 the proposed 1989 Comprehensive Plan for Palm Beach County, Florida; and

29 WHEREAS, data, information, documents, and drafts of each of  
30 the Comprehensive Plan elements or sub-elements were continually  
31 disseminated in a timely manner to the public; and

32 WHEREAS, Palm Beach County approved Resolution 88-66  
33 establishing a citizen participation process pursuant to Chapter  
34 163.3161, Florida Statutes, to assist in the development of the 1989  
35 Plan; and

36 WHEREAS, participants in the citizen participation process were  
37 individuals representing County advisory boards, state and special  
38 districts, public interest groups, agriculture, development, business,  
39 municipalities, environmental interests, academia and the general public;  
40 and

1           WHEREAS, fourteen public meetings were held throughout the  
2 County during the preparation of the proposed 1989 Comprehensive Plan for  
3 the purpose of disseminating information to the public and receiving  
4 recommendation from the public; and

5           WHEREAS, Ordinance 76-7, adopted by the Board of County  
6 Commissioners of Palm Beach County, designated the Board of County  
7 Commissioners as the Local Planning Agency for the unincorporated areas  
8 of Palm Beach County, and set forth the duties and responsibilities of  
9 said Local Planning Agency; and

10          WHEREAS, the Palm Beach County Local Planning Agency held  
11 public hearings on the proposed 1989 Plan after due public notice and  
12 considered the recommendations of the citizen advisory groups, citizen  
13 participation efforts at those public hearings and written and verbal  
14 communications of all interested parties, and recommended the submittal  
15 of the proposed 1989 Comprehensive Plan to the Department of Community  
16 Affairs; and

17          WHEREAS, on March 29, 1989, the Palm Beach County Board of  
18 County Commissioners held a public hearing on the proposed 1989  
19 Comprehensive Plan after due public notice and considered the comments  
20 and recommendations by the public, and recommendation of the Local  
21 Planning Agency, and upon thorough and complete consideration and  
22 deliberation, approved the proposed 1989 Comprehensive Plan for  
23 transmittal to the Department of Community Affairs, pursuant to Chapter  
24 163.3184 (3) and Chapter 9J-11, Florida Administrative Code; and

25          WHEREAS, Palm Beach County received the Department of Community  
26 Affairs "objections, recommendations, and comments report" on July 11,  
27 1989, which was the Department's written review of the proposed 1989  
28 Comprehensive Plan; and

29          WHEREAS, on July 18, 1989, at a public meeting, the Palm Beach  
30 County Board of County Commissioners informed the public of the  
31 objections, recommendations and comments of the Department of Community  
32 Affairs and provided direction to staff for the preparation of the final  
33 Comprehensive Plan; and

1               WHEREAS, the Department of Community Affairs' "objections,  
2 recommendations and comments report" was available to the public at the  
3 Department of Planning, Zoning and Building; and

4               WHEREAS, Palm Beach County staff held meetings with the staff  
5 of the Department of Community Affairs, the Department of Transportation,  
6 and the South Florida Water Management District to review the submitted  
7 plan elements and discuss concerns during the agency review of that  
8 submitted plan; and

9               WHEREAS, on August 21, 23 and 25, 1989, the Board of County  
10 Commissioners held public meetings to review the written comments  
11 submitted by the Department of Community Affairs as the "objections,  
12 recommendations, and comments report" and to evaluate the recommendations  
13 of the Citizens Advisory Committees and staff; and

14               WHEREAS, on August 30, 1989, the Board of County Commissioners  
15 of Palm Beach County held public hearings after due public notice;  
16 reviewed the written comments by the Department of Community Affairs as  
17 the "objections, recommendations, and comments report"; and reviewed all  
18 other written or oral comments submitted by members of the public and  
19 governing agencies; and

20               WHEREAS, the Board of County Commissioners finds that the  
21 proposed 1989 Comprehensive Plan to be adopted by this Ordinance complies  
22 with the requirements of the Local Government Comprehensive Planning and  
23 Land Development Regulations Act and Chapter 9J-5, Florida Administrative  
24 Code.

25               NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
26 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA as follows:

27 Section 1. Authority

28               This Ordinance is adopted in compliance with, and pursuant to,  
29 the Local Government Comprehensive Planning and Land Development  
30 Regulation Act, Section 163.3184, et. seq., Florida Statutes, and Chapter  
31 9J-5, Florida Administrative Code.

32 Section 2. Purpose and Intent

33               A. It is hereby declared that the purpose and intent of this  
34 Ordinance is to preserve and enhance the existing quality of life;  
35 encourage the most appropriate use of land, water, and resources

1 consistent with the public interest; address current problems which have  
2 occurred because of the use and development of land; and deal effectively  
3 with future problems which may occur as a result of the use and  
4 development of land. Through the implementation of the 1989  
5 Comprehensive Plan and those elements adopted herein by this Ordinance,  
6 it is the intent of the Board of County Commissioners of Palm Beach  
7 County, Florida, to preserve, promote, protect, and improve the public  
8 health, safety, comfort, good order, appearance, convenience, law  
9 enforcement and fire prevention, and general welfare; to prevent the  
10 overcrowding of land and avoid undue concentration of populations; to  
11 minimize urban sprawl; to encourage the development and redevelopment of  
12 coastal communities; to ensure that the existing rights of property  
13 owners be preserved in accord with the Constitutions of the State of  
14 Florida and of the United States; to plan for and guide growth and  
15 development within the County by providing greater specificity and  
16 certainty in the land planning process, by preparing a financially  
17 feasible plan, by establishing a concurrency management system, by  
18 providing for appropriate minimum levels of service for the necessary  
19 public facilities to accommodate existing populations and future growth,  
20 by coordinating local decisions relating to growth and development, and  
21 by insuring consistency with the state and regional comprehensive plans.

22           B. The provisions of the elements adopted by this Ordinance  
23 are declared to be the minimum requirements necessary to accomplish the  
24 aforesaid stated intent, purpose, and objectives of this Ordinance; and  
25 they are declared to be the minimum requirements to maintain, through  
26 orderly growth and development, the character and stability of present  
27 and future land use and development in the unincorporated areas of Palm  
28 Beach County, Florida. Nothing in this plan is to be construed to limit  
29 the powers and authority of the Palm Beach County Board of County  
30 Commissioners to enact ordinances, rules or regulations that are more  
31 restrictive than the provisions of this Plan.

32           C. Nothing in this Comprehensive Plan, or in the land use  
33 regulations adopted consistent with its requirements shall be construed  
34 or applied so as to result in an unconstitutional temporary or permanent

1 taking of private property or the abrogation of validity existing vested  
2 rights.

3 Section 3. Adoption of Comprehensive Plan

4 A. Pursuant to the Local Government Comprehensive Planning and  
5 Land Development Regulations Act, Section 163.3184, et. seq., Florida  
6 Statutes, Palm Beach County hereby adopts the 1989 Comprehensive Plan of  
7 Palm Beach County, consisting of Administration, Land Use, Economic,  
8 Traffic Circulation, Mass Transit, Aviation and Other Related Facilities,  
9 Infra-Structure (which includes the sub-elements of Sanitary Sewer,  
10 Potable Water, Solid Waste, Drainage, and Natural Groundwater Aquifer  
11 Recharge), Recreation and Open Space, Fire Rescue, Public Education,  
12 Housing, Health and Human Services, Conservation, Coastal Management,  
13 Intergovernmental Coordination, Library Services, Historic Preservation,  
14 Capital Improvement and the 1980 Evaluation and Appraisal Report.

15 Section 4. Preemption

16 In the event that the 1989 Comprehensive Plan is more  
17 restrictive than existing development regulations, the provisions of the  
18 1989 Comprehensive Plan shall prevail.

19 Section 5. Repeal of Laws in Conflict

20 Ordinance No. 80-8, as amended, is hereby repealed. In  
21 addition, all local laws and ordinances applying to the unincorporated  
22 area of Palm Beach County in conflict with any provisions of this  
23 ordinance are hereby repealed.

24 Section 6. Severability

25 If any section, paragraph, sentence, clause, phrase, or word of  
26 this ordinance is for any reason held by the Court to be unconstitu-  
27 tional, inoperative or void, such holding shall not affect the remainder  
28 of this ordinance.

29 Section 7. Inclusion in the Laws and Ordinances

30 The provisions of this ordinance shall become and be made a  
31 part of the code of laws and ordinances of Palm Beach County, Florida.  
32 The Sections of the ordinance may be renumbered or relettered to  
33 accomplish such, and the word "ordinance" may be changed to "section,"  
34 "article," or any other appropriate word.

1    Section 8. Effective Date

2                 The provisions of this ordinance shall become effective upon  
3 receipt of acknowledgement by the Secretary of State.

4                 APPROVED AND ADOPTED by the Board of County Commissioners of  
5 Palm Beach County, Florida, on the 1:26 AM day of AUG 3 1989, 1989.

6                 *JBK* PALM BEACH COUNTY, FLORIDA, BY ITS  
7                 BOARD OF COUNTY COMMISSIONERS

8                 By Carol Elquist *Chairman*  
9

10                APPROVED AS TO FORM AND  
11                LEGAL SUFFICIENCY

JOHN B. DUNKLE, CLERK  
Board of County Commissioners

12                Van B. Cook  
13                County Attorney

By Debbie Stewart  
DEPUTY CLERK

14                Acknowledgement by the Department of State of the State of  
15 Florida, on this, the 8th day of September, 1989.

16                EFFECTIVE DATE: Acknowledgement from the Department of State  
17 received on the 11th day of September, 1989, at 3:45  
18 P.M., and filed in the Office of the Clerk of the Board of County  
19 Commissioners of Palm Beach County, Florida.